IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.335 OF 2007

Office notes, office memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Shri V.S.Kapse for the Appellant.
Shri S.D.Raje for the Respondents.

CORAM : ABHAY S.OKA, J.
DATED : JUNE 28, 2007.

P.C.:

1. Heard Advocates appearing for the parties. The original Plaintiff has taken an exception to the order dated 30th March, 2007 passed by the learned trial Judge by which the learned trial Judge declined to grant ad-interim relief of injunction in favour of the Appellant-Plaintiff.

2. The notice of motion taken by the Appellant for injunction is pending. The order impugned has been passed on 30th March, 2007. From that day, no ad-interim relief is operating in favour of the Appellant.

3. The order impugned is a discretionary order which is passed after considering the factors which are relevant for grant of ad-interim relief. It is

not possible to interfere with the said order at this stage. The notice of motion will have to be heard expeditiously. It is obvious that all further actions of the Respondents will be subject to further order which may be passed in the pending notice of motion. Subject to what is observed above, the Appeal is dismissed with no orders as to costs.

4. The notice of motion shall be heard expeditiously and shall be disposed of on or before 13th August, 2007.

5. The notice of motion will be decided without being influenced by the impugned order and confirmation thereof by this Court. Parties and concerned Court to act upon an authenticated copy of this order.

JUDGE